

FILED

APR 22 2008

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY _____ DEPUTY

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

SAHIB QUIETMAN HENDERSON,)

Plaintiff,)

vs.)

JUSTIN JONES et al.,)

Defendants.)

No. CIV-07-1174-W

ORDER

On April 10, 2008, United States Magistrate Judge Bana Roberts issued the Third Report and Recommendation in this matter and recommended that two Motions to Amend filed by plaintiff Sahib Quietman Henderson be denied. Henderson was advised of his right to object, and this matter comes before the Court on Henderson's Objection to the Third Report and Recommendation, wherein he has challenged Magistrate Judge Roberts' recommendation regarding his request to amend his amended complaint¹ to name as a party defendant, Connie Elam, individually and in her official capacity as Court Clerk of Stephens County, Oklahoma.

Upon de novo review of the record, the Court concurs with Magistrate Judge Roberts' suggested disposition of Henderson's Motions to Amend. In the first motion, Henderson has contended that amendment is required because Elam allegedly refused to comply with two orders issued by the Oklahoma Court of Criminal Appeals that directed her to forward to him certain documents that related to his applications for post-conviction relief.

¹See Order (April 10, 2008)(complaint deemed amended to reflect dual capacities in which Henderson named defendants Justin Jones, Edwards Evans and Ron Ward)

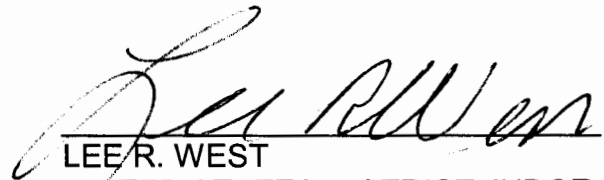
Henderson's requests for these documents were denied by the Honorable Joe Enos, District Judge for the District Court of Stephens County, Oklahoma. This Court is prevented by the Rooker-Feldman doctrine from revisiting Judge Enos' decisions and/or Henderson's entitlement to these documents and is likewise prevented by such doctrine from intervening in such matters and/or awarding relief, if any, monetary or otherwise, to which Henderson would be entitled as a result of Elam's acts or omissions.

In his second Motion to Amend, Henderson has sought to name the Oklahoma Department of Corrections ("DOC") as a party defendant. Clearly, under the instant circumstances, the proposed amendment would be futile because Henderson's claims against DOC would be barred as a matter of law under the eleventh amendment to the United States Constitution.

Accordingly, the Court

- (1) ADOPTS the Third Report and Recommendation issued on April 10, 2008;
 - (2) DENIES Henderson's Motion to Amend [Doc. 39] file-stamped February 14, 2008;
 - (3) DENIES Henderson's Motion to Amend [Doc. 45] file-stamped March 12, 2008;
- and
- (4) the referral not having been terminated in this action, COMMITS this matter to Magistrate Judge Roberts for further proceedings.

ENTERED this 2nd day of April, 2008.


LEE R. WEST
UNITED STATES DISTRICT JUDGE